

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RASHEEN DELONEY,

Petitioner,

vs.

BRIAN WILLIAMS, SR., *et al.*,

Respondents.

Case No. 2:14-cv-00510-JCM-NJK

ORDER

This is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, by a Nevada state prisoner.

Petitioner has paid the filing fee for this action. (ECF No. 4). The petition shall now be filed and served on respondents.

Petitioner has filed a motion for the appointment of counsel. (ECF No. 2). Pursuant to 18 U.S.C. § 3006(a)(2)(B), the district court has discretion to appoint counsel when it determines that the “interests of justice” require representation. There is no constitutional right to appointed counsel for a federal habeas corpus proceeding. *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *Bonin v. Vasquez*, 999 F.2d 425, 428 (9th Cir. 1993). The decision to appoint counsel is generally discretionary. *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986), *cert. denied*, 481 U.S. 1023 (1987); *Bashor v. Risley*, 730 F.2d 1228, 1234 (9th Cir.), *cert. denied*, 469 U.S. 838 (1984). However, counsel must be appointed if the complexities of the case are such that denial of counsel

1 would amount to a denial of due process, and where the petitioner is a person of such limited
2 education as to be incapable of fairly presenting his claims. *See Chaney*, 801 F.2d at 1196; *see also*
3 *Hawkins v. Bennett*, 423 F.2d 948 (8th Cir. 1970). The petition on file in this action is well-written
4 and sufficiently clear in presenting the issues that petitioner wishes to bring. The issues in this case
5 are not complex. Counsel is not justified in this instance. The motion for appointment of counsel is
6 denied.

7 **IT IS THEREFORE ORDERED** that petitioner's motion for the appointment of counsel
8 (ECF No. 2) is **DENIED**.

9 **IT IS FURTHER ORDERED** that the clerk **SHALL FILE AND ELECTRONICALLY**
10 **SERVE** the petition (ECF No. 1-1) upon the respondents.

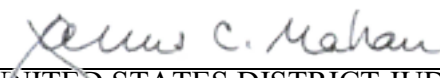
11 **IT IS FURTHER ORDERED** that respondents shall have **forty-five (45)** days from entry
12 of this order within which to answer, or otherwise respond to, the petition. In their answer or other
13 response, respondents shall address all claims presented in the petition. Respondents shall raise all
14 potential affirmative defenses in the initial responsive pleading, including lack of exhaustion and
15 procedural default. **Successive motions to dismiss will not be entertained**. If an answer is filed,
16 respondents shall comply with the requirements of Rule 5 of the Rules Governing Proceedings in
17 the United States District Courts under 28 U.S.C. §2254. If an answer is filed, petitioner shall have
18 **forty-five (45) days** from the date of service of the answer to file a reply.

19 **IT IS FURTHER ORDERED** that any state court record exhibits filed by respondents shall
20 be filed with a separate index of exhibits identifying the exhibits by number or letter. The hard copy
21 of all state court record exhibits shall be forwarded, for this case, to the staff attorneys in the **Reno**
22 division of the clerk of court.

23 **IT IS FURTHER ORDERED** that, henceforth, petitioner shall serve upon the attorney
24 general of the state of Nevada a copy of every pleading, motion, or other document he submits for
25 consideration by the court. Petitioner shall include with the original paper submitted for filing a
26 certificate stating the date that a true and correct copy of the document was mailed to the attorney
27 general. The court may disregard any paper that does not include a certificate of service. After
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1 respondents appear in this action, petitioner shall make such service upon the particular deputy
2 attorney general assigned to the case.

3 Dated July 25, 2014.

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6 UNITED STATES DISTRICT JUDGE
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